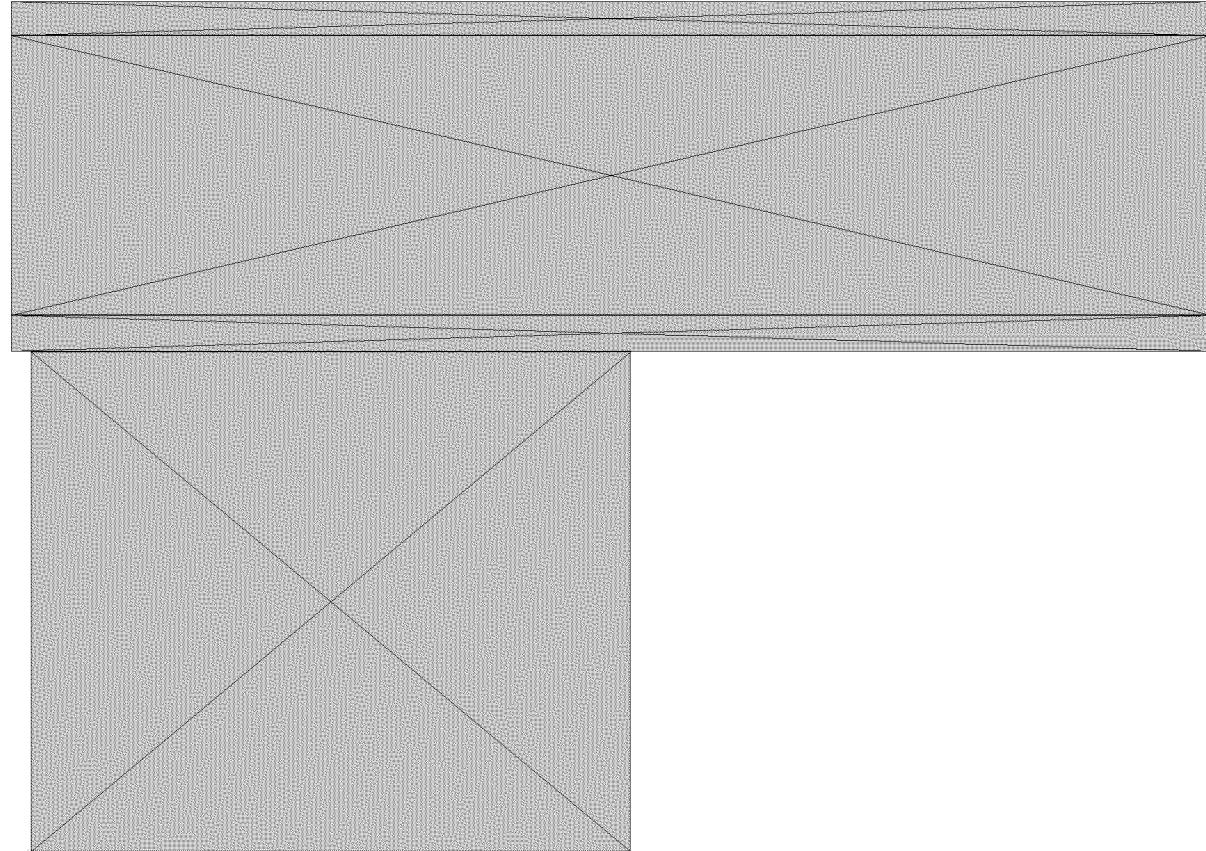


To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: EnergyGuardian
Sent: Fri 8/21/2015 4:48:13 PM
Subject: EPA IG finds no political interference with FOI requests

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Energy and environment headlines for the morning of Friday, August 21, 2015



EPA IG finds no political interference with FOI requests

By Brad Kalbfeld

There is no evidence of political employees interfering with or delaying the fulfillment of Freedom of Information Act requests to the Environmental Protection Agency, the agency's inspector general reported Thursday.

The report was issued in response to a requested from a United States Senator, who also asked for — but did not receive — written confirmation from EPA's chief FOIA officer that

political appointees are not involved in FOIA requests and do not cause undue delays in fulfillment of those requests or reductions in the amount of material released.

The report by Inspector General Arthur Elkins, Jr. identified the lawmaker only as a member of the Senate Homeland Security and Government Affairs Committee. A spokesman for the IG said it is department policy not to release the name of the lawmaker who made the request, and that the senator had not publicly posted the request.

Earlier this year, EPA's FOIA practices were **criticized by a federal judge** in a case dating back to a 2012 request by the conservative Landmark Legal Foundation, looking for documents proving that the agency was delaying the enactment of various rules until after the 2012 presidential election.

Judge Royce Lamberth ruled that "EPA's mishandling of Landmark's request leaves far too much room for a reasonable observer to suspect misconduct." Lamberth's decision said EPA either "intentionally sought to evade" the request, or it "demonstrated apathy and carelessness."

"We did not find any indications of political interference or delay in the release of FOIA documents," Thursday's IG report said. "We made our determinations based on our review of FOIA policies and procedures; and discussions with all FOIA Coordinators in EPA's program offices and FOIA Officers in EPA's regional offices, as well as with three political appointees."

The report said the agency's chief FOIA officer would not provide written certification that political appointees were not involved in FOIA request, or that, if they were, they neither delayed nor limited the agency's response.

"I do not consider this request feasible because non-career employees have FOIA responsibilities just like career employees," Ann Dunean, the agency's chief FOIA officer, wrote in response to the request. "In addition, the 2011 OIG report found that political appointees were not involved in filtering FOIA requests, although some of them had a role in the process."

The report was issued within the 60-day response period requested by the senator, although, Elkins noted, that meant it could not be conducted "in accordance with generally accepted government auditing standards."



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Iran deal gets a boost from NY lawmaker

By Erica Werner

WASHINGTON (AP) — President Barack Obama's nuclear agreement with Iran won an important endorsement Friday from Democratic Rep. Jerrold Nadler of New York, who bucked opposition from fellow New York Jewish lawmakers including his home state's senior senator, Chuck Schumer.

Nadler's endorsement followed a personal appeal from Obama, who sent him a letter earlier this week defending the deal and pledging that the U.S. will continue to put economic pressure on Iran and keep military options open.

"I bring to my analysis the full weight of my responsibilities as a member of Congress, and my perspective as an American Jew who is both a Democrat and a strong supporter of Israel," Nadler said in a statement. He said he'd concluded that of the alternatives, the agreement "gives us the best chance of stopping Iran from developing a nuclear weapon."

Nadler becomes the first Jewish Democratic lawmaker from New York to announce he'll support the deal that seeks to keep Iran from building a nuclear bomb in exchange for billions in international sanctions relief.

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'I wish it was me': Families mourn fallen firefighters

By Gene Johnson and Brian Skoloff

TWISP, Wash. (AP) — Like thousands of other college students in the West, Tom Zbyszewski relished summers on the fire lines — it was outdoor work that paid, that was important, that gave him a little swagger when he returned to school in the fall. His parents, who had fought wildfires themselves, weren't even nervous about it.

One more week, and Zbyszewski, a 20-year-old physics major with an acting bent, would have been back at Whitman College, telling stories.

Instead, flames driven by shifting winds overtook his crew after they crashed a vehicle Wednesday while fighting a wildfire in Washington state. Zbyszewski and two others were killed and four were injured, one critically.

"It's what everybody does up here. It's part of the culture," his sobbing father, Richard, told The Associated Press in a telephone interview Thursday night. "I fought fires for years and years and years — I never even got burned. I wish it was me. I'm an old man."

The tragedy cast a pall in Washington state and brought to 13 the number of firefighters killed across the West this year during one of the driest and most explosive wildfire seasons on record. At least 10 blazes were burning in north-central Washington's Okanogan County

alone, where entire towns have emptied as residents headed for safety.

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Study sees dying wildlife, bigger fires if drought lasts

By Ellen Knickmeyer

SAN FRANCISCO (AP) — The carcasses of salmon, trout and more than a dozen other newly extinct native species lie in dry streambeds around California.

Exhausted firefighters in the Sierra Nevada battle some of the biggest wildfires they've ever seen. And in Central Valley farm towns, more and more parents hear the squeal of empty pipes when they turn on water taps to cook dinner.

A new report by the Public Policy Institute of California nonprofit think-tank paints that distressing picture of California for the next two years if the state's driest four years on record stretches further into the future.

Written by water and watershed experts working at the policy center, at the University of California, Davis, and elsewhere, the report urges California to do more now to deal with what researchers project to be the biggest drought crises of 2016 and 2017 — crashing wildlife populations, raging wildfires and more and more poor rural communities running out of water entirely.

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Salt cedar: Southwest struggles to stem fire-fueling invasive plant

By Yara Bishara

PHOENIX (AP) — The tiny seedling was brought over from Eastern Europe and parts of Asia nearly 200 years ago and planted along riverbanks across the United States, mostly in the Southwest, to prevent erosion. It grew fast, its thick branches and oily leaves spreading across five states.

As years passed, it became obvious that the introduction of salt cedar, or Tamarisk, trees was a mistake. The invasive tree has an extensive root system that sucks up nearby water and leaves that leak a salt-like substance, killing native plants. It also burns hot in wildfires — complicating efforts to control them — and afterward is quick to grow back.

Salt cedar's resiliency makes containing and treating it a continual, almost never-ending task.

Here's a closer look at the tree and what's being done about it in the West:

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EPA downplays dangers of mine spill, but concerns linger

By Matthew Brown, The Associated Press

More than two weeks after a mine spill fouled waterways in several Western states, officials expressed concern Thursday over the long-term effects of contaminated river bottoms as the federal agency that triggered the accident downplayed the dangers.

U.S. Environmental Protection Agency workers released more than 3 million gallons of contaminated water Aug. 5 while investigating an inactive mine site near Silverton, Colorado. The spill prompted the shutdown of public drinking-water systems and left rivers in the region tinged a disturbing yellow-orange color that has since faded.

The EPA said in recent days that poisons including lead and thallium have been detected in river sediment samples collected from the Animas River, which travels from Colorado into northern New Mexico, joining the San Juan River before emptying into Lake Powell along the Utah-Arizona border.

In Colorado, contaminants exceeding drinking-water standards were found in seven private wells out of more than 100 tested, according to the EPA. Details on what contaminants were found and at what concentrations were not disclosed. Officials said Thursday that they would continue to investigate the wells, but noted that it was not clear if the spill was to blame.

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A message from the American Petroleum Institute

America is now the world's #1 natural gas producer and will soon be #1 in oil. Now more than ever, abundant energy means abundant prosperity, opportunity and security for all Americans.

[Learn more at EnergyTomorrow.org](http://EnergyTomorrow.org)

Navajo Nation president eyes lifting advisory on river water

By Felicia Fonseca

FLAGSTAFF, Ariz. (AP) — The quality of San Juan River water on the Navajo Nation has

returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway, federal and tribal officials said Thursday.

The testing by the U.S. Environmental Protection Agency along with that of the Navajo EPA prompted tribal President Russell Begaye to consider lifting an advisory against using the river to water crops. No decision had been made as of Thursday evening.

Begaye has said he would not advise hundreds of farmers on the Navajo Nation to do so until the tribe's own Environmental Protection Agency determined the river water is safe. Officials from the tribe's EPA told a crowd at a meeting Thursday in Shiprock, New Mexico, that the water meets tribal standards for irrigation but did not disclose any specific results, citing a possible lawsuit against the federal government.

The U.S. Environmental Protection Agency said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

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BP settlement money flows to governments in far-flung places

By Michael Kunzelman

BATON ROUGE, La. (AP) — Clusters of landlocked municipalities more than 100 miles from the Gulf Coast have secured millions of dollars in BP money through settlements designed to compensate local governments for lost tourism dollars and other economic damage from the company's 2010 oil spill, according to records obtained by The Associated Press.

This week, BP finished making approximately \$687.4 million in settlement payments to 383 local government entities in the five Gulf states. Nearly \$8 million of that money went to 32 government entities that are more than 100 miles from the coast, in places like the Mississippi Delta and suburbs of central Alabama, the records show.

BP's well blowout off Louisiana's coast triggered a deadly explosion that killed 11 rig workers and spewed millions of gallons of oil into the Gulf of Mexico, staining beaches, killing wildlife and scaring away tourists.

The company agreed last month to pay up to \$1 billion to resolve economic claims by local governments, but the settlement payouts have fallen well short of that maximum amount. The records obtained by the AP provide the most comprehensive accounting of where the money went and what types of government entities received shares.

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Dog Days publishing schedule for EnergyGuardian

By EnergyGuardian

The Dog Days of summer are upon us, and as is tradition during the weeks leading up to Labor Day, EnergyGuardian will publish a single midday edition each day from Aug. 17 through Aug. 28.

Of course, we'll cover any breaking news with alerts.

Although Labor Day is not until Sept. 7, we expect to resume a normal publishing schedule on Monday, Aug. 31. There will be no newsletter on Labor Day, Sept. 7.

We hope you have a chance to get away and enjoy some relaxation as summer winds down and thank you for your support all year long.

Deere cuts earnings outlook on weak farm, energy sales

By The Associated Press

NEW YORK (AP) — Deere & Co. on Friday cut its full-year outlook because it expects the weak agriculture and energy sectors to continue dragging down equipment sales.

The agricultural equipment manufacturer has been facing a downturn in equipment sales as weak commodity prices hold back farmers from buying new equipment. Meanwhile, a weak energy sector has been dragging down construction equipment sales.

The company's stock fell \$4.05, or 4.5 percent, to \$86.60 in premarket trading.

The Moline, Illinois-based company earned \$511.6 million, a 37 percent drop from the same period a year earlier. Earnings of \$1.53 per share surpassed Wall Street expectations. The average estimate of eight analysts surveyed by Zacks Investment Research was for earnings of \$1.47 per share.

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First wolf pack in decades spotted in Northern California

By Jeff Barnard

California has its first wolf pack since the state's gray wolf population went extinct in 1924.

State and federal authorities announced Thursday that a remote camera captured photos earlier this month of two adults and five pups in southeastern Siskiyou County.

They were named the Shasta pack for nearby Mount Shasta.

The pack was discovered four years after the famous Oregon wandering wolf OR-7 first reached Northern California.

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Brazil and Germany to expand trade and combat climate change

By The Associated Press

SAO PAULO (AP) — Brazilian President Dilma Rousseff said Thursday that she and German Chancellor Angela Merkel have agreed to expand trade and take joint action to combat climate change.

Rousseff made her remarks after she met with Merkel, who concluded a 24-hour visit to Latin America's biggest country.

Germany is Brazil's biggest trading partner in Europe and the country's fourth largest in the world. Official figures show that between 2003 and 2014 trade between the two countries increased 175 percent, going from \$7.4 billion to \$21 billion.

Rousseff said she and Merkel agreed to work together to deal with climate change, calling it "one of the 21st century's biggest challenges."

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RGGI successful in cutting carbon emissions: Study

In a study published in the journal Energy Economics—offering support for the idea that carbon trading could help states comply with the Environmental Protection Agency's Clean Power Plan—researchers at Duke University found that half of emissions reductions in the northeast were due to the Regional Greenhouse Gas Initiative.

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California urging western states to go for carbon trading

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Western states should use carbon trading to comply with the Obama administration's Clean Power Plan limiting emissions at power plants, California Air Resources Board Chair Mary Nichols says, adding that she's urging it in discussions with top-level officials, E&E reports.

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Texas threatens to sue over carbon rule

Texas Attorney General Ken Paxton has asked the Environmental Protection Agency to hold off implementing its rules limiting power plant carbon emissions, and has threatened to sue the agency if his request is denied, The Texas Tribune reports.

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Moves to rein in oil and gas methane win surprise backer

The Cynthia and George Mitchell Foundation—the legacy of the man who pioneered fracking—has come out in support of Environmental Protection Agency rules to limit methane emissions in oil and gas drilling and processing, FuelFix reports.

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Oil slumps on China data

Oil slid alongside other global markets Friday as investors became alarmed about shrinking Chinese manufacturing. U.S. benchmark crude lost 2.5 percent, down \$1.02 to \$40.29 a barrel in late morning trading on the Nymex, threatening the longest weekly losing streak since 1986, while in London, Brent tumbled \$1.28 to \$45.33

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Crude oil price slide hitting Saudi economy

There are forecasts that Saudi Arabia will run a budget deficit for the first time in more than ten years as a result of the nosedive in oil prices, while reserves are shrinking at the country's central bank, Bloomberg reports.

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Gas tax increase gets nod from California Senate panel

Legislation to pay for road maintenance by increasing taxes and fees paid by motorists in California—which would raise the gasoline tax by 12 cents per gallon—has been approved by a state Senate committee, the San Jose Mercury News reports.

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Canada's Irving refinery stops using Bakken crude

Canada's biggest refinery, operated by Irving Oil Ltd., is refining crude shipped from the Middle East and other overseas points, saying that's cheaper than getting Bakken crude by rail, The Wall Street Journal reports.

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Natgas prices stay low as production stays high

Natural gas production is increasing to keep up with greater demand, so gas prices have stayed low—losing about 5 percent in the first half of the year—and are likely to remain there, FuelFix reports.

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Solar is about to be cheaper than natgas

Several large solar facilities under construction—including Xcel Energy's 156-megawatt Comanche Solar project in Pueblo, Colorado—are promising to deliver power at the same rate or cheaper than natural gas-powered plants, E&E reports.

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NOAA looking into whale deaths

The washing up of dozens of whale carcasses on the Alaskan coast in recent months has triggered an investigation by the National Oceanic and Atmospheric Administration, The Hill reports.

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